

## REMARKS:

### **Status of Claims:**

Claims 1-7 were pending in the application; claim 5 is hereby cancelled without prejudice or disclaimer of subject matter contained therein. Claims 1-4 and 6-7 are now pending. Each of the pending claims defines an invention that is novel and unobvious over the cited art. Favorable re-consideration of this case is respectfully requested.

### **Rejections Under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph:**

Claims 1-27 were rejected under 35 U.S.C. § 112, 1<sup>st</sup> Paragraph, as failing to comply with the written description requirement. The applicants do not agree with a the Examiner's characterization. However, in order to advance the prosecution of the present application, the Applicants cancel Claim 5 and amend Claims 6 and 7 to depend from Claim 4.

### **Rejections Under 35 U.S.C. § 103(a):**

Claims 1-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim (WO2003/055888; "WO888") in view of Pun (US 2003/0008818).

To establish *prima facie* obviousness of a claimed invention, all the claim recitations must be taught or suggested by the prior art. *In re Royka*.<sup>1</sup> All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson*.<sup>2</sup> (MPEP § 2143.03). When evaluating the scope of a claim, every recitation in the claim must be considered. See e.g. *In re Ochiai*.<sup>3</sup> (MPEP § 2144.08). The evidentiary record fails to teach each recitation of the present invention. Specifically, the references taken as a whole or severally fail to teach a nanoparticle having a particle size of 1 to 1000 nanometers formed by the poly-condensation aggregation of a plurality of cucurbituril derivatives.

Reference WO888 teaches cucurbituril derivatives and substituted derivatives thereof. However, the WO888 reference is completely silent as to

<sup>1</sup> *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

<sup>2</sup> *In re Wilson*, 424 F.2d 1382, 165 USPQ 496 (CCPA 1970).

<sup>3</sup> *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995).

forming nanoparticles by the aggregation of a plurality of such cucurbituril derivatives. Pun is cited as disclosing biodegradable polymers. However, this teaching of Pun does not supply the missing nanoparticle disclosure. Therefore, the cited art does not disclose render obvious the present invention because the art does not disclose each recitation thereof.

**Conclusion:**

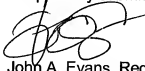
In view of the above, re-consideration and allowance are respectfully solicited.

Accordingly, it is respectfully requested that the foregoing amendments be entered, that the application as so amended receive an examination on the merits, and that the claims as now presented receive an early allowance.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number noted below.

The Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this communication, including any extension fees or fees for the net addition of claims, to Deposit Account No. 02-2135.

Respectfully submitted,



John A. Evans, Reg. No 44,100  
Attorney for Applicant  
ROTHWELL, FIGG, ERNST & MANBECK  
1425 K Street, Suite 800  
Washington, D.C. 20005  
Telephone: (202) 783-6040

Date: November 13, 2007